

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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Operating Engineers Local #49 Health and  
Welfare Fund and Central Pension Fund of the  
International Union of Operating Engineers and  
Participating Employers, Local #49 International  
Union of Operating Engineers and Associated  
General Contractors of Minnesota Apprenticeship  
and Training Program and their Trustees,

Civil No. 09-3452 (RHK/RLE)

Plaintiffs,

vs.

**ORDER FOR DISMISSAL**

Thielen Excavating, LLC and Jon Thielen,  
individually,

Defendants.

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Pursuant to the Notice of Voluntary Dismissal (Doc. No. 9), **IT IS ORDERED** that  
this matter is **DISMISSED WITHOUT PREJUDICE** and without costs to either party.

Dated: February 3, 2010

s/Richard H. Kyle \_\_\_\_\_  
RICHARD H. KYLE  
United States District Judge